

**NOT FOR PUBLICATION**

**APR 10 2006**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

FURQAN ZAFAR,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-73313

Agency No. A79-615-093

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted April 5, 2006\*\*

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Furqan Zafar, a native and citizen of Pakistan, petitions for review of the Board of Immigration Appeals' affirmance of an Immigration Judge's ("IJ") denial

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

of his applications for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”).

We lack jurisdiction to review the determination that petitioner did not meet the one-year deadline and did not qualify for an exception to the deadline for filing his asylum application. *See Ramadan v. Gonzales*, 427 F.3d 1218, 1221-22 (9th Cir. 2005). We dismiss the petition on this claim.

We have jurisdiction under 8 U.S.C. § 1252 over petitioner’s withholding of removal claim. We review for substantial evidence and may reverse only if the evidence compels a contrary conclusion. *Rostomian v. INS*, 210 F.3d 1088, 1089 (9th Cir. 2000). We deny the petition on this claim.

Substantial evidence supports the IJ’s denial of petitioner’s withholding of removal claim because he did not show that it was more likely than not that he would be persecuted if returned to Pakistan. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1184-85 (9th Cir. 2003).

Petitioner failed to raise his CAT claim in his opening brief and therefore waived this claim. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

**PETITION FOR REVIEW DISMISSED in part and DENIED in part.**